

REMARKS

Figure 9a was amended to depict the claimed garment attachment means and absorbent article attachment means. Support for the above amendment can be found throughout the specification, at for example, the original claims and page 11, lines 21 et seq.

Figure 10 was added to depict layers. Support for the above amendment can be found throughout the specification at, for example, page 4, line 15 – page 5, line 22 page 8, lines 19-30.

The paragraph at page 2, line 24, of the specification was amended to remove the term “Applicants” from the specification.

The Summary of Invention was amended to conform to the claims.

The Brief Description of the Drawings was amended to include descriptions of FIGS. 9a, 9b, 9c, and 10.

The paragraph beginning at page 5, line 4, was amended to provide identical language in the Detailed Description as in the claims. Support for the amendment can be found throughout the specification at, for example, original claims 3, 8, and 11.

The paragraph beginning at page 11, line 21, was amended to include reference numbers for the amendments made to Figure 9a.

A new paragraph was added beginning at page 12, line 20, to provide a description for new FIG. 10. Support for this amendment can be found throughout the specification at, for example, page 4, line 15 – page 5, line 22 page 8, lines 19-30.

The abstract has been replaced with a new abstract. Support for this amendment can be found in the original and the pending claims.

Claim 1 was amended to remove recitation of a cover in the layered portion and to remove the recitation of a perforation as an element in claim 1.

Claim 2 was amended to correct a typographical error in the preamble and to correct claim dependency to new claim 13.

Claims 3 and 4 were amended to correct typographical errors in the preamble.

Claim 5 was amended to make the claim more grammatically correct and to remove recitation of limitations concerning the thong pantliner.

Claims 7 and 8 were amended to provided correct to correct claim dependency to new claim 16.

Claim 9 was amended to remove recitation of a cover and a limitation of breathable to the backsheet.

Claim 13 was added to recite a perforation between the wing that longitudinally extending edge. Support for new claim 13 can be found throughout the specification at, for example, original claim 1, FIGS. 1-8, and page 6, line 13 – page 7, line 13.

Claim 14 was added to recite a perforation between the wing that longitudinally extending edge. Support for new claim 14 can be found throughout the specification at, for example, original claim 1.

Claim 15 was added to recite a perforation between the wing that longitudinally extending edge. Support for new claim 15 can be found throughout the specification at, for example, original claim 1.

Claim 16 was added to recite certain limitations on the thong pantliner. Support for new claim 16 can be found throughout the specification at, for example, original claim 5.

Claims 17 and 18 were added to recite certain limitations on the thong pantliner. Support for new claims 17 and 18 can be found throughout the specification at, for example, original claim 5.

Claims 19 and 20 were added to recite certain limitations on the attachment wing. Support for new claims 19 and 20 can be found throughout the specification at, for example, original claim 9.

Claim 21 was added to recite certain limitations on the pantliner. Support for new claim 21 can be found throughout the specification at, for example, original claim 9.

It is submitted that no new matter has been introduced by the foregoing amendments. Approval and entry of the amendments is respectfully solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made."

Objections

The Examiner objected to the abstract of the disclosure because the Examiner took the position that "legal terminology 'mean for' should be avoided," "(iii)" should be deleted and the abstract is too long.)(March 15, 2002 Office Action ("OA") at 2.) The Examiner required correction.

The Examiner's careful review of the abstract of the disclosure is most appreciated. The abstract of the disclosure has been amended in order to overcome the Examiner's objection. The Examiner is asked to remove this ground of objection in view of the above amendments.

The Examiner objected to the disclosure because:

ground of objection. The Examiner is asked to withdraw this ground of rejection in view of such amendments.

The Examiner objected to claims 2-12 because of the following informalities:

- 1) in claims 2-4, line 1, "An" should be – The--;
- 2) in claim 9, line 2, "A" should be – a --;
- 3) in claims 6-8, "An" should be – The --; and
- 4) in claims 10-12, line 1, "A" should be – The --.

(OA at 3.)

The Examiner's careful review of the claims is most appreciated. However, the Examiner asserted that claims 2-12 were objected to, but a specific objection for claim 5 could not be identified. The Examiner is asked to confirm whether claim 5 is objected to in the next paper issued for the captioned application.

Claim 9 has been amended in view of the Examiner's careful review. The Examiner is asked to withdraw this objection in the next paper issued for the captioned application.

The Examiner's objections in items 1), 3), and 4) above are respectfully traversed. It is believed that there is no binding precedent, statute, or rule that requires dependent claims to begin with the word "The" as opposed to "A" or "An." Therefore, no amendment to the claims is required and none has been made. The Examiner is asked to withdraw this formality requirement.

Indefiniteness Rejection

Claims 5-8 were rejected under 35 USC §112, second paragraph. (OA at 3.) In making the rejection, the Examiner asserted that "it is unclear [in claims 5 and 7-8] whether Applicant is claiming the subcombination of the wing or the combination of the wing and pantiliner. (*Id.*)

Claim 5 has been amended and new claim 16 has been added in view of the Examiner's comments. The Examiner is, accordingly, asked to withdraw this ground of rejection in view of the above amendments.

Anticipation Rejection

Claim 1-4 and 9-12 were rejected under 35 USC §102(b) as anticipated by Bien. (OA at 3.)

For the reasons set forth below, the rejection, respectfully is traversed.

At the outset, the rejection is unclear as to the information and reference being relied on by the Examiner. The Examiner asserted that "Bien" was relied upon. However, OA does not provide any information regarding to what "Bien" was intended to refer to.

While not required, the following is provided to expedite prosecution on the merits. In making the rejection, the Examiner appeared to rely on Mattingly for disclosure of the claimed silhouette and to Osborn for disclosure of a transfer layer.

As is well settled, anticipation requires "identity of invention." Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim.

Because the Examiner has relied upon more than one document to make up for gaps left by the primary reference. The Examiner asserted that Bien "contains the same structure as required by the pending claims. Yet, the Examiner looked to Mattingly and Osborn to fill in the structural gaps left by Bien. Therefore, the rejection is improper and should be withdrawn

Furthermore, in a §102(b) rejection there must be no difference between what is claimed and what is disclosed in the applied reference. "Moreover, it is incumbent upon the Examiner to *identify wherein each and every facet* of the claimed invention is disclosed in the applied reference." The Examiner is required to point to the disclosure in the reference "*by page and line*" upon which the claim allegedly reads.

The rejection fails to identify where in Bien each and every element of the claims is shown. The Examiner failed to assert where in Bien there is a recitation of the affirmatively required releasably attached wing is found. While Bien discloses perforations may be used to adjust the side of the flaps, it is submitted that this not a disclosure of the required releasably attached wing required in the amended claims. The disclosure relied on by the Examiner is insufficient as a matter of law to support a conclusion of anticipation, and for this additional reason, the rejection should be withdrawn.

Turning to claims 10-12, the Examiner asserted that the comments regarding claim 2 apply to claim 10. (OA at 4) The Examiner also asserted that the structure of the kit is taught by Bien.

There is a "burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103. . . ." The rejection fails to provide any basis, let alone the requisite factual basis to sustain a rejection for anticipation. The Examiner did not state where in Bien there is disclosure to the claimed kit. For this reason, the rejection is improper and should be withdrawn.

Obviousness Rejection


Claims 5-8 were rejected under 35 USC §103(a) as being unpatentable over Maulhardt DE '026 "Maulhardt". (OA at 4.)

For the reasons set forth below the rejection, respectfully is traversed.

Accordingly, for the reasons set forth above, entry of the amendments, withdrawal of the rejections, and allowance of the claims is respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

Respectfully submitted,

By:


Timothy E. Tracy
Reg. No. 39,401

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6586
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Fig. 9a was replaced with the enclosed amended Fig. 9a.

New Fig. 10 was added to the drawings.

The paragraph beginning at page 2, line 24, was replaced with the following rewritten paragraph:

~~--Applicants have~~ It has been surprisingly discovered a highly useful absorbent article for garments and thong garments having at least one removable wing. Such an absorbent article provides a wearer with at least one wing attached to the absorbent article or the wearer may optionally detach some or all the wings. In another embodiment of the present invention, wings may be added by the wearer to the absorbent article to provide additional protection against movement of the pantliner. Thus, the present invention allows a wearer to individually decide whether to use from zero to three or more wings to secure the absorbent article of the present invention to thong garments.--

The paragraph beginning at page 3, line 4, was replaced with the following rewritten paragraph:

--The present invention is directed to an absorbent article with a silhouette having a first portion, a second portion, wherein the second portion being in opposite relation to the first portion, and a first longitudinally extending edge and a second longitudinally extending edge being in opposed relationship between the first portion to the second portion; a layered portion including an absorbent core and a backsheet; at least one wing laterally extending from the first longitudinally extending edge or the second longitudinally extending edge; wherein the wing is releasably attached to and means for removing the wing from the longitudinally extending edge.--

The paragraph beginning at page 3, line 12, was replaced with the following rewritten paragraph:

--The present invention is also directed to an absorbent article with a silhouette having a first portion having a maximum width, a second portion having a maximum width, wherein the second portion being in opposite relation to the first portion and the maximum width of the first portion is greater than the maximum width of the second portion, and a first longitudinally extending edge and a second longitudinally extending edge being in opposed relationship between the first portion to the second portion; a layered portion including an absorbent core and a backsheet; at least one wing laterally extending from the first

Please add the following paragraph at page 12, line 20:

-- Turning to Figure 10, there is depicted an a thong pantliner having a cover 67, an absorbent core 1 and a backsheet 2.--

The abstract was replaced with the following rewritten abstract:

--An absorbent article with a silhouette having a first portion having a maximum width; and a second portion having a maximum width, wherein the second portion being in opposite relation to the first portion and the maximum width of the first portion is greater than the maximum width of the second portion and (iii) a first longitudinally extending edge and second longitudinally extending edge being in opposed relationship between the first portion and the second portion; a layered portion including an absorbent core and a backsheet; at least one wing laterally extending from the first longitudinally extending edge or the second longitudinally extending edge, wherein the wing is releasably attached to and means for removing the wing from the longitudinally extending edge.

~~Alternatively, an attachment wing for securing an absorbent article to a garment with an upper surface including an absorbent article attachment for securing the attachment wing to the absorbent article and a lower surface comprising a garment attachment means securing the attachment wing to the garment. Additionally, a kit is provided having an absorbent article and at least one attachment wing for securing the absorbent article to a garment. --~~

In the Claims:

Claim 1 was amended as follows:

1. (Amended) A pantliner comprising

- (a) a silhouette comprising
 - (iv) a first portion having a maximum width,
 - (v) a second portion having a maximum width, wherein the second portion being in opposite relation to the first portion and the maximum width of the first portion is greater than the maximum width of the second portion, and
 - (vi) a first longitudinally extending edge and second longitudinally extending edge being in opposed relationship between the first portion and the second portion;
- (b) a layered portion comprising
 - 1) ~~a cover,~~
 - 2) an absorbent core; and

- ~~(ii) an absorbent core, and~~
- ~~(ii) a breathable backsheet.~~

Claim 7 was amended as follows:

7. (Amended) An attachment wing of claim 16, wherein the thong pantiliner further comprises a transfer layer.

Claim 8 was amended as follows:

8. (Amended) An attachment wing of claim 16, wherein the absorbent core comprises absorbent material selected from the group consisting of pulp fibers, bicomponent fibers, polyester fibers, and superabsorbent polymers.

Claim 9 was amended as follows:

9. (Amended) A kit for an absorbent article, the kit comprising:

A. ~~Aa~~ pantiliner comprising:

(i) a silhouette comprising

- (a) a first portion having a maximum width,
- (b) a second portion having a maximum width, wherein the second portion being in opposite relation to the first portion and the maximum width of the first portion is greater than the maximum width of the second portion, and
- (c) a first longitudinally extending edge and a second longitudinally extending edge being in opposed relationship between the first portion to the second portion;

(ii) layered portion comprising

- ~~(a) cover,~~
- (b) an absorbent core, and
- (c) a ~~breathable~~ backsheet; and

B. at least one attachment wing.

The following new claim 13 was added:

13 (New) A pantiliner of claim 1 further comprising a perforation between the wing and the longitudinally extending edge for removing the wing.

The following new claim 14 was added:

14. (New) A pantiliner of claim 1 wherein the layered portion further comprises a cover.

The following new claim 15 was added:

15 (New) A pantiliner of claim 1 wherein the backsheet is breathable.

The following new claim 16 was added:

16. (New) An attachment wing of claim 5, wherein the thong pantiliner comprises

- A. a silhouette comprising
 - (i) a first portion having a maximum width,
 - (ii) a second portion having a maximum width, wherein the second portion being in opposite relation to the first portion and the maximum width of the first portion is greater than the maximum width of the second portion, and
 - (iii) a first longitudinally extending edge and a second longitudinally extending edge being in opposed relationship between the first portion to the second portion and
- B. a layered portion comprising
 - (i) an absorbent core and
 - (ii) a backsheet.

The following new claim 17 was added:

17. (New) An attachment wing of claim 16, wherein the thong pantiliner further comprises a cover.

The following new claim 18 was added:

18. (New) An attachment wing of claim 16, wherein the backsheet is breathable.

The following new claim 19 was added:

19. (New) A kit of claim 9, wherein the attachment wing comprises a cover and a backsheet.

The following new claim 20 was added:

20. (New) A kit of claim 19, wherein the backsheet is breathable.

The following new claim 21 was added:

21. (New) A kit of claim 9, wherein the pantiliner further comprises a cover.